

THURSDAY . . . . . DECEMBER 9, 1926

## Excessive Zeal of Prosecuting Attorneys

Mr. Grover C. Ladner, in a communication to The Inquirer, refers to a recent editorial discussion of the excessive zeal of prosecuting attorneys as "both pertinent and appropriate." Our remarks had been based upon the Hall-Mills murder trial at Somerville, New Jersey. We called attention to the fact that District Attorneys are in the habit of seeking their own glorification rather than aiming at a just verdict, and we quoted a Canadian Justice in his explanation of procedure in his own country. There "a trial is not a game, but a solemn, serious investigation to ascertain whether a crime has been committed against the State." The duty of the Crown Counselor is "to bring out the facts for as well as against the defendant. He never urges a conviction. Should he press unduly for that he would call down a severe rebuke from the presiding Judge. Winning his case will not gain him a dollar or make him more important in the community."

Mr. Ladner reminds us that it is not necessary to quote a Canadian authority to support our proposition. He forwards an extract from an opinion handed down by the late Chief Justice, Paxson of Pennsylvania to this effect:

"The District Attorney is a quasi judicial officer. He represents the Commonwealth, and the Commonwealth demands no victims. It seeks justice only, equal and impartial justice, and it is as much the duty of the District Attorney to see that no innocent man suffers as it is to see that no guilty man escapes. Hence he should act impartially. He should present the Commonwealth's case fairly and he should not press upon the jury any deductions from the evidence that are not strictly legitimate. When he exceeds this limit, and in hot zeal seeks to influence them by appealing to their prejudices, he is no longer an impartial officer, but becomes a heated partisan."

In this language the departed jurist summarizes the precise points which, in our own way, we had endeavored to bring out. Unfortunately it is only an expression of opinion; a definition of a rule which ought to be enforced in the criminal courts, but is not, whereas in Canada it is established practice. There the Crown Counselor strives to uncover the truth. Here the prosecuting attorney too often prostitutes the dignity of the court and the cause of justice to his own ends. He descends to every possible legal trick. He deals in innuendoes. He loses no opportunity to prejudice the jury. He summons invective and violent denunciation to his aid. He is out to win at any cost. It is a wretched condition which demands serious attention.

## The Weather Impulse in Prosperity

Fifteen years ago commercial reports on the state of trade were wont to find adverse weather a factor in business stagnation. A sudden cold spell, of course, would benefit certain lines as it does today, notably winter clothing and footwear. But even Wall Street might succumb to the unfavorable effect of a

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